



Application Granted

A handwritten signature in black ink, appearing to read "Valerie Figueredo".

Valerie Figueredo, U.S.M.J.

DATED: 12-7-2022

The status conference scheduled for December 20, 2022 at 3:00 p.m. is hereby adjourned to Wednesday, January 4, 2023 at 1:00 p.m. The Clerk of Court is directed to terminate the motion at ECF No. 37. SO ORDERED.

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

The City of New York
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December 6, 2022

BY ECF

Honorable Valerie Figueredo
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Gabino Genao v. Rivera, et al., 20-CV-10563 (GBD) (VF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendants City of New York, Captains Rivera, Hyppolite, and Assistant Deputy Warden Glemaud. Defendants write to respectfully request to adjourn the conference scheduled for December 20, 2022 at 3:00 P.M, to an alternative date and time proposed by the facility. See Docket Entry No. 36. Defendants were unable to obtain plaintiff's position on this request due to his incarcerated status. This is defendants' first request for an adjournment of this conference.

By way of background, *pro se* plaintiff alleges, *inter alia*, that on or about March 16, 2019, that Captain Hyppolite sprayed plaintiff with OC. See Docket Entry No. 2. On November 29, 2022, the Court scheduled a telephonic status conference to take place on December 20, 2022 at 3:00 p.m. See Docket Entry No. 36. The same day, plaintiff notified the Court that he moved from Attica Correctional Facility to Auburn Correctional Facility. See Docket Entry No. 35. Upon contacting Auburn Correctional Facility to ensure plaintiff would be available for the conference, the facility phone coordinator informed the undersigned that plaintiff is in a special housing unit for disciplinary reasons, and that phone calls in that housing unit take place at 1:00 P.M. pursuant to the New York State HALT Bill. Upon cursory review of that law, it appears plaintiff is in solitary confinement.

The facility indicated they could produce plaintiff for the status conference at 1:00 P.M. on December 20, 2022. In the alternative, the facility also indicated they could produce plaintiff

for a status conference on December 21 and December 22 at 1:00 P.M. If none of those alternatives are suitable for the Court, the undersigned is happy to go back to the facility, request additional alternative dates, and provide them to the Court, at the Court's direction. For the Court's information, defendants are making a simultaneous adjournment request in another case the City is defending against plaintiff, for a status conference scheduled on December 13, 2022 in front of the Honorable Judge Wang. The docket number for that matter is 20-CV-10573 (VSB) (OTW).

Therefore, defendants write to respectfully request to adjourn the conference scheduled for December 20, 2022 at 3:00 PM to an alternative date and time proposed by the facility.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Caroline McGuire

Assistant Corporation Counsel
Special Federal Litigation

cc: Gabino Genao (By First Class Mail)
Plaintiff Pro Se
DIN 22B1480
Auburn Correctional Facility
135 State Street
Auburn, NY 13024